

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BO SUNG PARK,

Petitioner,

v.

JANET NAPOLITANO, et al.,

Respondents.

Case No. C13-233-RSL-BAT

**REPORT AND
RECOMMENDATION**

On February 11, 2013, petitioner, through counsel, filed a Petition for Writ of Habeas Corpus and Complaint for Declaratory Relief under 28 U.S.C. § 2241. Dkt. 1. Petitioner asserts in his petition that he is being unlawfully detained by respondents and requests that this Court issue an Order stating that petitioner is not subject to mandatory detention pursuant to 8 U.S.C. § 1226(c) and directing that respondents provide him with an individualized bond hearing before an Immigration Judge. In addition, petitioner requests that this Court order respondents to transport him to the Lynnwood Municipal Court for a hearing on his pending motion to withdraw his guilty plea in that court.

Petitioner now seeks a temporary restraining order in conjunction with his pending habeas corpus petition. Dkt. 5. He requests that this Court issue an Order directing that respondents provide him with an immediate bond redetermination hearing and to be transported

1 to the Lynnwood Municipal Court for a hearing on his pending motion to withdraw his guilty
2 plea in that court. Petitioner, by way of his motion for temporary restraining order, seeks
3 expedited review of the claims asserted in his habeas corpus petition.

4 Rule 65(b)(1) of the Federal Rules of Civil Procedure permits a court to issue a
5 temporary restraining order, without notice to the adverse party, only if “specific facts in an
6 affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or
7 damage will result to the movant before the adverse party may be heard in opposition.”
8 Petitioner fails to meet this standard. Accordingly, this Court recommends that petitioner’s
9 motion for temporary restraining order be denied. A proposed order accompanies this Report
10 and Recommendation.

11 DATED this 25th day of February, 2013.

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16 BRIAN A. TSUCHIDA
17 United States Magistrate Judge
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